

REMARKS

Reconsideration of this application as amended is respectfully requested. Claims 1-33 were pending. Claims 1-33 were rejected. Claims 1, 10, 12, 21, 23, and 27 have been amended without introducing any new matter. Claims 2, 13, and 24 have been cancelled. No claims have been added. Thus, claims 1, 3-12, 14-23, and 25-33 are pending.

The Examiner rejected claim 10 and 21 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Applicants accordingly amended the claims to remove the terms noted by the examiner. Therefore, the Applicants respectfully submit that claims 10 and 21, as amended, satisfy the requirements of § 112 and request withdrawal of the rejections.

The Examiner rejected claims 1, 3, 7-10, 27, and 31-33 under 35 U.S.C. § 103(a) as being obvious under U.S. Patent No. 6,920,487 of Sofer et al. (hereinafter “Sofer”) in view of U.S. Patent No. 5,365,520 of Wang et al. (hereinafter “Wang”). The applicants respectfully disagree with the rejection because the references, alone or in combination, do not disclose each and every element of the invention as claimed in claims 1, 3, 7-10, 27, and 31-33.

Sofer describes a method and system for routing a phone call based upon a “short code” to a service provider (Sofer, Column 3, lines 11-22). For example, when a user enters a code, such as “8472” for VISA, the short code is matched with VISA’s phone number in a database (Sofer, Column 6, lines 6-34). The user’s phone call is then routed to VISA using VISA’s phone number. When a user is roaming, a short code may collide with an identical short code that points to a different number (Sofer, column 6, liners 36-42). In this case, either a default routing choice is used to route the call, or a user may interactively choose which route the call will take

(Sofer, column 6, liners 36-42). In either case, a user's connection is maintained so that an active call can eventually be routed by the system of Sofer to its destination.

Wang describes routing device communication through a constellation of satellites utilizing specific message packets (Wang, Column 5, lines 35-59). The communications system described by Wang is packet based, where each packet includes pieces of information such as location of message receiver, location of message sender, characterization of the content, and content (Wang, Figures 6 – 9; Column 12, lines 12-35). The packets described by Wang merely illustrate the format of packet based data transmission.

Claim 1, as amended, is as follows:

A method comprising:
receiving a call from a mobile device;
selecting a response to the call based upon a service dialed number selected to address the call, the service dialed number containing at least a first segment and a second segment, the first segment representing a unique code used by the mobile operator to route the call and the second segment representing a unique code that identifies the service; and
initiating a dialog between a server and the mobile device prior to the call being answered.

That is, prior to a call from a mobile device being answered, a dialog is initiated between a server and the mobile device. The Examiner admitted, with respect to the limitations of dependent claim 2, which have substantially been included in the amendment of independent claim 1, that neither Sofer nor Wang disclose “terminating the call prior to an answering of the call” (Office Action, page 8). Furthermore, since Wang only describes transferring data packets during a call, and Sofer describes resolving short code collisions before transferring a call to destination associated with the shortcode, neither reference, alone or in combination, describes or suggests “initiating a dialog between a server and the mobile device prior to the call being answered.”

Therefore, neither Larson nor Wang, alone or in combination describe or suggest the limitations of claim 1.

With respect to the limitations of dependent claim 2, which have been substantially incorporated into independent claim 1, the Examiner cited U.S. Patent No. 6,304,757 of Larsson et al. (hereinafter “Larsson”) as disclosing the limitations. Larsson describes updating a database with the current location of a subscriber device by placing a call to a phone system (Larsson, Column 8, lines 45-60). However, to avoid incurring a charge for providing an information update, the call is noted by a telephone exchange without answering the call (Larsson, Column 8, Lines 53-57). However, since merely noting a call without answering the call also fails to describe or suggest “initiating a dialog between a server and the mobile device prior to the call being answered,” Larsson fails to describe the limitations as claimed in amended claim 1. Thus, Sofer, Wang, and Larsson, alone or in combination, also fail to describe or suggest “initiating a dialog between a server and the mobile device prior to the call being answered.”

Furthermore, the Applicants respectfully submit that one skilled in the art would not be motivated to make the combination set forth by the Examiner. Wang addresses the format for and transmission of data packets in a packet based communications system. Sofer addresses extending the use of local short codes to allow a call to be forwarded/transferred to a destination associated with the short code. Thus, both Wang and Sofer provide for fulfilling a call, either by transmitting data packets for a call or resolving a short code dialed by a mobile device. Larsson, on the other hand, addresses saving money when calling a telephone exchange by merely noting a call without answering the call. It would not make logical sense to combine Larsson with Sofer and Wang because Sofer and Wang describe fulfilling calls while Larsson provides for not

answering a call. Therefore, the Applicants respectfully submit that one skilled in the art would not be motivated to combine Larson with Sofer and Wang.

Therefore, the Applicants respectfully submit that all applicable rejections to independent claim 1, as amended, have been overcome and request withdrawal of the rejections under § 103. Furthermore, independent claim 27, as amended, includes similar features and limitations to those discussed above with respect to claim 1. Thus, for similar reasons, the Applicants respectfully request withdrawal of the rejections of claim 27. Dependent claims 2 and 7-10 depend from claim 1, and include additional features and limitations, thus for similar reasons to those advanced above with respect to claim 1, the Applicants request withdrawal of the rejections of claims 2, 7-10. Dependent claims 31-33 depend from claim 27, and include additional features and limitations, thus for similar reasons to those advanced above with respect to claim 27, the Applicants request withdrawal of the rejections of claims 31-33. The Applicants respectfully submit that for at least the reasons discussed above, claims 1, 3, 7-10, 27, and 31-33 are now in condition for allowance and such action is earnestly solicited.

The Examiner rejected claims 4, 5, 12, 14-21, 23, 25, 26, 28, and 29 under 35 U.S.C. § 103(a) as being unpatentable over Sofer in view of Wang, and further in view of U.S. Patent App. Pub. No. 2002/0131404 of Mehta et al. (hereinafter “Mehta”). Independent claims 12 and 23 have been amended similarly to independent claims 1 and 27. Thus, for similar reasons to those discussed above, neither Sofer nor Wang describe or suggest initiating a dialog prior to a call being answered, as claimed in claims 12 and 23. Furthermore, Mehta describes allowing a mobile device user to specify a Universal Resource Locator of a file to be downloaded to a mobile device (Mehta, paragraph 0064). After a subscriber of a network receives a notification that an update is available, the subscriber can request updated software for his or her mobile

device. If the subscriber's user profile accompanying the current request is verified, the subscriber is provided with the updated software (Mehta, paragraphs 0110, 0138). However, merely verifying a user profile and supplying requested software to a mobile device fails to describe or suggest initiating a dialog between a server and a mobile device prior to the call being answered. Therefore, Sofer, Wang, and Mehta, alone or in combination, fail to describe or suggest each and every limitation of independent claims 12 and 23. Furthermore, since dependent claims 4 and 5, 14-21, 25 and 26, and 28 and 29 dependent from independent claims 1, 12, 23, and 27, respectively, dependent claims 4, 5, 14-21, 25, 26, 28, and 29 are also not rendered obvious by Sofer in view of Wang, and further in view of Mehta. Therefore, the Applicants respectfully request withdrawal of the rejections of claims 4, 5, 12, 14-21, 23, 25, 26, 28, and 29.

The Examiner rejected claims 6, 13, 17, 24, and 30 under 35 U.S.C. § 103(a) as being unpatentable over Sofer in view of Wang, further in view of Mehta, and further in view of Larsson. As discussed above, with respect to independent claims 1, 12, 23, and 27, from which claims 6, 13, 17, 24, and 30 depend, none of the references, alone or in combination, describe or suggest each and every feature as claimed by the Applicants in claims 1, 12, 23, and 27. Since claims 6, 13, 17, 24, and 30 include additional features and limitations, claims 6, 13, 17, 24, and 30 are also not rendered obvious by the references. The Applicants respectfully request withdrawal of the rejection under § 103.

The Examiner rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Sofer in view of Wang, and further in view of U.S. Patent No. 6,751,454 of Thornton (hereinafter "Thornton"). The Examiner rejected claim 22 under 35 U.S.C. § 103(a) as being unpatentable over Sofer in view of Wang in view of Mehta, and further in view of Thornton. As

discussed above, with respect to independent claim 1, neither Sofer nor Wang, alone or in combination, describe or suggest “initiating a dialog between a server and the mobile device prior to the call being answered.” Similarly, as discussed above, with respect to independent claim 12, Sofer, Wang, and Mehta similarly fail to describe the limitations of claim 12.

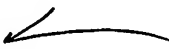
Thornton describes sampling multimedia objects on a cell phone according to the instructions of various servers (Thornton, Abstract). However, a mobile device which performs operations according to the direction of a server fails to describe or suggest “initiating a dialog between a server and the mobile device prior to the call being answered,” as claimed in independent claim 1, and as similarly claimed in independent claim 12. Thus, Sofer, Wang, and Thornton, alone or in combination, fail to describe or suggest each and every element of claim 1. Since claim 11 depends from claim 1, and includes additional features and limitations, claim 11 is also not rendered obvious by the combination of Sofer, Wang, and Thornton. Furthermore, Sofer, Wang, Mehta, and Thornton, alone or in combination, also fail to describe or suggest each and every element of claim 12, from which dependent claim 22 depends. Thus, claim 22 is also not rendered obvious by Sofer, Wang, Mehta, and Thornton. The Applicants respectfully request withdrawal of the rejections of claims 11 and 22.

Accordingly, Applicants respectfully submit that the rejections have been overcome by the amendments and the remarks. Applicants submit that all claims are now in condition for allowance and such action is earnestly solicited.

If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,
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